IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 255 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VASANT VASUDEV BHUSAVARKAR

Versus

SURYAKANT VASUDEV BHUSAVARKAR

Appearance:

1. Civil Revision Application No. 255 of 1997

MR US BRAHMBHATT for Petitioner No. 1

MR NS SHETH for Respondent No. 1

RULE SERVED for Respondent No. 2-6

SERVED BY AFFIX.-(R) for Respondent No. 7

MR LR PUJARI, AGP for Respondent No. 8

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 22/03/2004

ORAL JUDGEMENT

The petitioner herein submitted an application at Exh.39 in a pending suit being H.R.P. Suit No.1561/1993. The aforesaid suit was filed by the respondent No.1 against the landlord with a prayer that the plaintiff may not be dispossessed without resorting to the due process of law. As stated above, the present petitioner of this

revision application gave an application for allowing him to be joined as a co-plaintiff or a defendant in the said suit. The said application was rejected by the trial Court against which this Civil Revision Application is preferred.

2) Mr.Sheth, learned advocate for the respondent No.1 pointed out that his client has informed him that the original suit itself is dismissed by the trial Court, against which no appeal is preferred by his client. He submitted that when the suit itself is not pending, there is no question of allowing the present petitioner to be joined as a party, for which he has relied upon the affidavit filed by his client. It is mentioned in the affidavit that the original plaintiff-respondent No.1 herein, has handed over the possession of the property to one Mr.Hiteshbhai Shah.

3) Considering the fact that the suit itself is not pending, application of the present petitioner to join him as a party has become infructuous and this revision has also become infructuous. In that view of the matter, this Civil Revision Application is disposed of has having become infructuous. Rule is discharged. No order as to costs.

4) It is clarified that if the petitioner has got any independent right in connection with the suit property, it is open for him to take appropriate proceedings available to him in accordance with law.

(P.B.Majmudar,J.)

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